

MONTANA LEGISLATIVE HISTORY

Chapter 525 1983

Bill H 794 S _____ Original bill & history C

H. Committee on Education & Cultural Resources S. Committee on Education & Cultural Resources

Hearing Date(s) Feb 16 ✓ C

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_____ C

Date Out Feb 16 ✓ C

Hearing Date(s) Mar 16 ✓ C

Mar 18 ✓ C

_____ C

_____ C

Mar 17 ✓ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

1ST READING: 02/19/83, DO PASS, AS AMENDED AYES: 89; NAYS: 0
2ND READING: 02/22/83, DO PASS AYES: 95; NAYS: 5

TRANSMITTED TO SENATE: 2/22/83
REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY: 3/1/83
HEARING: 3/21/83
REPORT: 03/21/83, BE CONCURRED IN, AS AMENDED
1ST READING: 03/23/83 AYES: 50; NAYS: 0
2ND READING: 03/25/83 AYES: 48; NAYS: 1

RETURNED TO HOUSE WITH AMENDMENTS: 03/25/83
1ST READING: 04/04/83, BE CONCURRED IN AYES: 85; NAYS: 0
2ND READING: 04/05/83, BE CONCURRED IN AYES: 98; NAYS: 0

TRANSMITTED TO GOVERNOR: 04/14/83
SIGNED: 04/18/83, CHAPTER 560

1983 -- BERTELSEN -- PROVIDING FOR OPTIONAL LOCAL GOVERNMENT TAXES; AUTHORIZING A
UNIFORM ALL-PURPOSE LEVY FOR COUNTIES, A LOCAL GOVERNMENT INCOME TAX NOT TO EXCEED 20
PERCENT OF STATE INCOME TAX LIABILITIES TO BE ESTABLISHED COUNTYWIDE AFTER APPROVAL BY
THE ELECTORATE, A LOCAL GOVERNMENT MOTOR VEHICLE LICENSE FEE, AND A HOTEL OR MOTEL
TAX; AMENDING

INTRODUCED: 02/14/83
REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 02/14/83
HEARING: 2/19/83
REPORT: 03/22/83, DO PASS, AS AMENDED
REREFERRED TO COMMITTEE ON APPROPRIATIONS: 03/24/83
REPORT: 03/28/83, DO PASS
1ST READING: 03/28/83, DO PASS AYES: 52; NAYS: 44
2ND READING: 03/28/83, DO PASS AYES: 52; NAYS: 46

TRANSMITTED TO SENATE: 3/28/83
REFERRED TO COMMITTEE ON FINANCE & CLAIMS: 4/5/83
HEARING: 04/11/83
ON MOTION, 4/14/83, THAT THE BILL BE TAKEN FROM THE TABLE IN THE COMMITTEE ON
FINANCE & CLAIMS, PRINTED AND PLACED ON 2ND READING. MOTION FAILED BY THE
FOLLOWING VOTE: AYES: 21; NAYS: 29.
DIED IN SENATE COMMITTEE

1984 -- DAILY -- TO CLARIFY THE DEFINITION OF "SCHOOL BUS" ...; ... AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE.
BY REQUEST OF: THE HOUSE EDUCATION AND CULTURAL RESOURCES COMMITTEE

INTRODUCED: 02/15/83
REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES: 02/15/83
HEARING: 2/16/83
REPORT: 02/16/83, DO PASS
1ST READING: 02/18/83, DO PASS AYES: 89; NAYS: 4
2ND READING: 02/22/83, DO PASS AYES: 98; NAYS: 1

TRANSMITTED TO SENATE: 2/22/83
REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES: 3/1/83
HEARING: 3/16/83
REPORT: 3/18/83, BE CONCURRED IN, AS AMENDED
1ST READING: 03/21/83 AYES: 48; NAYS: 0
2ND READING: 03/23/83 AYES: 49; NAYS: 1

HOUSE EDUCATION COMMITTEE

February 16, 1983

The meeting was called to order by Chairman Fritz Daily in room 420 of the Capitol Building at 11:30 p.m., with all members present.

Chairman Daily opened the meeting to a hearing on House Bills: 686, 744, 746, 794, and House Joint Resolutions 21 and 22.

HOUSE BILL 794

REPRESENTATIVE WILLIAM HAND, District 82, Dillon, opened by saying House Bill 794 is an act to clarify the definition of school bus as defined in Title 20 and Title 61, by exempting certain motor vehicles from the definition. Rep. Hand then called on Chip Erdmann to explain the bill.

CHIP ERDMANN, Montana School Board Association, submitted written comments (see exhibit 1) and comments addressing the first draft of the bill. (see exhibit 2)

PROPONENTS

TERRY BROWN, Office of Public Instruction, voiced his support of the bill and said he would be available to answer any questions.

DON WALDRON, Hellgate Elementary School, submitted written comments. (see exhibit 3)

STEVE JOHNSON, Attorney General's Office, said I am neither a proponent nor an opponent. House Bill 794 would create certain common sense exceptions to what would be considered a school bus under law. It's purpose is the elimination of state over-regulation. Whatever is defined as a school bus under state law is subject to many restrictions. Problems will be solved by this bill in the area of car pooling. Some safety problems or risks are present in a situation where busses pick up school children on busy streets. In those cases, it is very appropriate to have flashing red lights and a yellow color, in order that the drivers can be easily recognized. In the case of athletic events and field trips there aren't those problems because you wouldn't have the busses stopping in traffic. It is a matter of policy, and we find the exceptions made are very rational.

JESS LONG, School Administrators of Montana, voiced the support of his organization for House Bill 794.

Rep. Hand closed.

HOUSE EDUCATION COMMITTEE MINUTES
February 16, 1983, page 2

Questions from committee. Rep. Eudaily asked Mr. Erdmann who is responsible for liability. The response was under B(1) the parents would be primarily liable for any accident. Under B(2) there would be a combination. This is where the parents are reimbursed where there isn't a regular school bus route. The Office of Public Instruction has never had a case where they have come after the school district.

Chairman Daily closed the hearing on House Bill 794 at 11:50 p.m.

HOUSE JOINT RESOLUTIONS 21 and 22

REPRESENTATIVE ESTHER BENGTON, District 59, Shepherd, opened by stating these resolutions deal with the collection of student loans and debts. The units of the university system have been diligent in pursuing the collection of student loans. Students have not repaid about 10% of the loans in Montana. Bankruptcy laws are federal in nature, and these two resolutions are directed to the Congress of the United States to amend bankruptcy laws to make it more difficult for individuals to discharge student loan debts in a bankruptcy proceeding.

PROPOSERS

IRVING DAYTON, Commissioner of Higher Education, said the university system has been working very conscientiously on the collection of student loans. At the present time, the United States Congress is working on revision of the federal bankruptcy law. They would be very interested in a declaration of concern from the Montana Legislature.

DR. LARRY WEINBERG, Montana University System, said I have a diagram for the information of the committee, outlining the time sequence for a chapter 7 bankruptcy. (see exhibit 4) Mr. Weinberg also handed out information regarding a resolution concerning bankruptcy. (see exhibit 5) The resolution permits schools to decline from providing a student transcript until there is a final discharge of debt. The school's aim is to get the money back. If a person needs that transcript to get a job that will supply the means to pay back the loan, we have no objection to releasing it. But if a student has defaulted on a loan, and never responded to our efforts to contact him and then wants the transcript, we want the option to say no. This is a major collection device. If the student debt is discharged and wiped off the books, we will release the transcript. Resolution 21 talks to the question of discharge. Student debts aren't automatically discharged in a bankruptcy. If the debts are more than five years old, or if there will be undue hardship placed upon the debtor by continuing the debt, the court can grant a discharge. We would like this discharge to take place after 10 years. Many of these loans have a 10 year pay back

HOUSE EDUCATION COMMITTEE MINUTES
February 16, 1983, page 10

EXECUTIVE SESSION

HOUSE JOINT RESOLUTION 21

Rep. Hannah moved House Joint Resolution 22, DO PASS, the motion carried unanimously.

HOUSE JOINT RESOLUTION 22

Rep. Hannah moved House Joint Resolution 22, DO PASS.

Rep. Kadas said right now as long as someone is not paying the debt they can withhold the transcripts. This could handicap the student from paying the debt in any case.

Rep. Miller said they aren't after the people with good intent. They are after the ones who take bankruptcy when they have no intent to pay the money back.

The motion carried with Representatives Hammond, Kadas, Lory, Nilson, Schye, Kennerly, and Daily voting no. No votes were recorded for Representatives Yardley and Kitselman.

HOUSE BILL 794

Rep. Lory moved House Bill 794, DO PASS, the motion carried unanimously.

HOUSE BILL 746

Rep. Peck moved House Bill 746, DO PASS. .

Rep. Miller asked Rep. Donaldson how the mills are taken off once they are put on. The answer was there is a five year repeal period.

The motion carried with Rep. Hannah voting no.

HOUSE BILL 744

Rep. Eudaily moved to TABLE House Bill 744, the motion carried unanimously.

HOUSE BILL 686

Rep. Peck moved to TABLE House Bill 686, the motion carried unanimously.

HOUSE BILL 93

794

COMMITTEE

DATE 2/6

Daily

Don Waldron	2385 Flynn Lane Missoula, Mt. 59803	Hellgate Elem. School	✓
Steve Johnson	Helena	Atty Gen.'s Office	
Tracy Brown	Helena	Office of Public Inst.	✓
John W. Long	"	Sch'l Adm. MT	✓
Chip Edman	"	MSBA	✓

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

Name Chp Erdmann Committee On H Ed
 Address Aden Date 2/16/83
 Representing MSBA Support X
 Bill No. 794 Oppose _____
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. This bill helps clear up the definition of "school bus" which was interpreted by the A.G. to mean every vehicle used for transportation of students to and from school and to and from athletic events.

2. This bill combines the definition of "school bus" in Title 61 and Title 20 and creates four exceptions. Exception 1 excludes private cars where no public compensation is received; Exception 2 excludes private vehicles that do receive public compensation under 20 - (those authorized transportation but no bus route runs) Exception 3 - excludes school cars and vans when used for activity events or emergencies, Exception 4 - excludes over-the-road buses (Greyhound type) when used for activity events.

It also makes the definition of "school bus" in title 61 and title 20 uniform, which will clear up confusion in this area.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Attached are some comments to the first draft of this bill. Although the language has been changed slightly, the comments still address the problem.

HB 794

Two recent Attorney General Opinions have created a serious problem for school districts and for those individuals who use their personal vehicles to transport students to school and school related events. 39 Atty. Gen. Ops. 63, issued June 14, 1982, held that "....all vehicles operated by or for public school districts, for the purpose of transporting children to and from school are 'school buses'...(and).... must comply with statutory provisions....relating to school bus equipment operation and inspection." In 38 Atty. Gen. Ops. 104, issued on September 9, 1980, the Attorney General rules: "'Transportation to or from school' is plainly broader than conveyance between a legal residence and school... In many cases, a child who is being transported on a school-sponsored field trip or to and from school athletic events or other authorized activities is being transported 'to or from school' in connection with the activity."

When taking these two opinions together, every vehicle used to transport students to and from school, field trips, and athletic events is a "school bus" under Title 61. This means the vehicle must meet a multitude of legal requirements. (see attached) In fact, anyone who is violating any of these requirements is subject to arrest.

This is obviously a situation that must be remedied. The Attorney General has suggested that a statutory change would best address the problem. This proposed bill was drafted by the Office of Public Instruction and the School Board Association.

The bill would make two changes in the current law:

(1) It would basically adopt the current definition of "school bus" in Title 61 as the definition for both Title 61 and Title 20. This will establish consistency and eliminate much confusion.

(2) The bill will also exclude four categories of vehicles from the definition of school bus:

(a) Privately owned and not operated for public compensation.

This would exclude parents who transport their children and other children to school without receiving reimbursement from the school district. (car pool)

(b) Used exclusively in the transportation of the children in the immediate family of the driver. This would exclude parents who receive individual reimbursement for transporting their children to and from school in their private vehicle.

(c) Designed to carry not more than nine persons as passengers, either school owned or privately owned, which are used to transport pupils to and from activity events, or used to transport pupils to their homes in case of illness or other emergency situations. This would exclude school vans or car, or private vehicles which are used for extracurricular transportation. (This exclusion would address the problem pointed out by Rep. Hand in HB 89).

(d) Over the road passenger coaches when used for activity events. This would exclude the greyhound type buses used by many school districts for various activity events. At the same time it would prohibit the use of over the road passenger coaches to transport students to and from school.

ings. (1) All persons driving motor vehicles upon the public highways of this state outside of corporate limits of incorporated cities or towns where the view is obscure or when a moving train is within sight or hearing shall bring said vehicle to a full stop not less than 10 or more than 100 feet from where said highway intersects railroad tracks within this state, before crossing the same, at all crossings where a flagman or a mechanical device is not maintained to warn the traveling public of approaching trains or cars.

Ex 2
HB 79

(2) The driver of any motor vehicle carrying passengers for hire or of any school bus or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while so stopped shall open the door (in the case of a school bus) and shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossings and the driver shall not shift gears while crossing the track or tracks.

(3) No stop need be made at any such crossing where a police officer or highway patrolman or traffic-control signal directs traffic to proceed.

(4) This section shall not apply at street-railway grade crossings within a business or residence district.

History: (1) En. Sec. 1, Ch. 151, L. 1919; re-en. Sec. 3842, R.C.M. 1921; re-en. Sec. 3842, R.C.M. 1935; amd. Sec. 1, Ch. 115, L. 1957; amd. Sec. 20, Ch. 315, L. 1974; Sec. 72-164, R.C.M. 1947; (2) thru (4) Ap. p. Sec. 90, Ch. 263, L. 1955; amd. Sec. 1, Ch. 244, L. 1977; Sec. 32-2193, R.C.M. 1947; Ap. p. Sec. 284, Ch. 5, L. 1971; Sec. 75-7007, R.C.M. 1947; R.C.M. 1947, 32-2193, 72-164(part), 75-7007(part).

61-9-402. Audible and visual signals on vehicles. (1) A police vehicle shall be equipped with a siren capable of giving an audible signal and may, but need not, be equipped with alternately flashing or rotating red or blue lights as specified herein. The use of signal equipment described herein shall impose upon the drivers of other vehicles the obligation to yield right-of-way and/or to stop and to proceed past such signal or light only with caution and at a speed which is no greater than is reasonable and proper under the conditions existing at the point of operation.

(2) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a siren and an alternately flashing or rotating red light as specified herein.

(3) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights shall have sufficient intensity to be visible at 500 feet in normal sunlight.

(4) Every bus used for the transportation of school children shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, displaying to the front two red and two amber alternating flashing lights and to the rear two red and two amber alternating flashing lights. These lights shall have sufficient intensity to be visible at 500 feet in normal sunlight. The warning lights shall be of a type and located on each bus as prescribed by the state board of education and approved by the division.

61-9-502. Semiannual inspection of school buses. (1) The division shall perform the semiannual inspection of school buses, one of which shall be at least 30 days prior to the beginning of the school term, and reinspect the buses, if necessary, before the beginning of the school term.

(2) The division's inspection shall determine if the school buses meet the minimum standards for school buses as adopted by the board of public education.

61-8-351. Meeting or passing school bus. (1) The driver of a vehicle upon a highway or street either inside or outside the corporate limits of any city or town upon meeting or overtaking from either direction any school bus which has stopped on the highway or street for the purpose of receiving or discharging any school children shall stop the vehicle not less than 10 feet before reaching such school bus when there is in operation on said bus a visual flashing red signal as specified in 61-9-402 and said driver shall not proceed until the children have entered the school bus or have alighted and reached the side of the highway or street on which they live and until such school bus resumes motion or the driver has signaled traffic to proceed. In addition the driver of a vehicle must slow and proceed with caution when meeting or overtaking from either direction any school bus which is preparing to stop on the highway or street for the purpose of receiving or discharging any school children as indicated by flashing amber lights as specified in 61-9-402.

Ex 2
HB 794

(2) Every bus used for the transportation of school children shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than 8 inches in height, and in addition shall be equipped with visual signals meeting the requirements of 61-9-402. Amber flashing lights shall be actuated by the driver approximately 150 feet in cities and approximately 500 feet in other areas before the bus is stopped to receive or discharge school children on the highway or street. Red lights shall be actuated by the driver of said school bus whenever but only whenever such vehicle is stopped on the highway or street whether inside or outside the corporate limits of any city or town for the purpose of receiving or discharging school children. However, a school district board of trustees may, in its discretion, adopt a policy prohibiting the operation of amber or red lights when a bus is stopped at the school site for purposes of receiving or discharging school children and such receipt or discharge does not involve street crossing by the children; and such lights may not be operated in violation of such a policy.

(3) When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school all markings thereon indicating "SCHOOL BUS" shall be covered or concealed.

(4) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

History: Ap. p. Sec. 94, Ch. 263, L. 1955; amd. Sec. 1, Ch. 100, L. 1961; amd. Sec. 2, Ch. 250, L. 1965; amd. Sec. 1, Ch. 45, L. 1971; amd. Sec. 2, Ch. 244, L. 1977; Sec. 32-2197, R.C.M. 1947; Ap. p. Sec. 284, Ch. 5, L. 1971; Sec. 75-7007, R.C.M. 1947; R.C.M. 1947, 32-2197, 75-7007(part); amd. Sec. 1, Ch. 305, L. 1979.

61-9-511. Violation of chapter — penalty. (1) It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by this chapter or other law of this state declared to be a felony.

(2) Every person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall for a first conviction thereof be punished by a fine of not less than \$10 or more than \$100 or by imprisonment for not more than 10 days. For a second conviction within 1 year thereafter such person shall be punished by a fine of not less than \$25 or more than \$200 or by imprisonment for not more than 20 days or by both such fine and imprisonment. Upon a third or subsequent conviction within 1 year after the first conviction such person shall be punished by a fine of not less than \$50 or more than \$500 or by imprisonment for not more than 6 months or by both fine and imprisonment.

(3) On failure of payment of fines, the offender in cases of misdemeanor shall be imprisoned in the county jail in the county in which the offense has been committed, and said imprisonment shall be computed upon the basis of \$2 of said fine for each day's incarceration.

(4) Upon conviction the court costs, or any part thereof, may also be assessed against the defendant in the discretion of the court.

History: En. Sec. 154, Ch. 263, L. 1955; R.C.M. 1947, 32-21-157.

Exhibit 3

WITNESS STATEMENT

Name Don Walden Committee On ED.
Address 2385 ~~Plymouth~~ Lane Date 2/16/83
Missoula Mt. 59802
Representing Hellgate Econ. + MCPT Support ✓
Bill No. HB 794 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. We need to legalize what is presently practice
Attorney General Opinion pat schools Transportation in a kind.
2. Would like to see some safe zone for
inspection of non school Bus unit
- 3.
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

STANDING COMMITTEE REPORT

February 16, 83
..... 19.....

SPEAKER:

MR.

We, your committee on..... EDUCATION AND CULTURAL RESOURCES.....

having had under consideration HOUSE Bill No. 794

first white,
reading copy (.....)
Color

"AN ACT TO CLARIFY THE DEFINITION OF "SCHOOL BUS" AS DEFINED IN
TITLE 20 AND TITLE 61 BY EXEMPTING CERTAIN MOTOR VEHICLES FROM
THE DEFINITION: AMENDING SECTIONS 20-10-101 AND 61-1-116, MCA."

Respectfully report as follows: That..... HOUSE Bill No. 794

DO PASS

There being no further proponents and no opponents to the bill, the hearing was closed.

HOUSE BILL 461: Representative Asay, District 50, said the bill updates and clearly defines the definition of deaf/blind and multihandicapped with the current statutes.

PROPOSERS

Judith A. Johnson, Assistant Superintendent, Office of Public Instruction, presented her testimony in support of the bill (exhibit #2).

There being no further proponents and no opponents to the bill, the hearing was closed.

HOUSE BILL 444: Representative Swift, District 91, said the bill was requested by the Office of Public Instruction. The bill changes the basis on which each district receives its pro rata share of the budget when the budget of special education is exceeded. He said it approaches the problem on a variable basis because of wide variation in districts. This bill protects districts with lower budgets when the higher percentage is applied. As an example, he said the budgets come in at \$31 million and there is only \$23 million available. The bill would allow distribution based on need rather than each district sharing equally.

PROPOSERS

Judith A. Johnson, Assistant Superintendent, Office of Public Instruction, presented her testimony in support of the bill (exhibit #3).

There being no further proponents and no opponents, the hearing was closed.

HOUSE BILL 794: Representative Hand, District 82, presented the bill for the sponsor, Representative Daily. He said the bill is a committee bill of the House Education and Cultural Resources Committee and clarifies the definition of school bus and defines the exceptions such as vans or cars.

PROPOSERS

Chip Erdmann, Montana School Boards Association, presented two Attorney General's opinions regarding school buses (exhibit #4). He said the opinions resulted in a conflict and the bill attempts to take the definitions in Title 20 and Title 61 and the exceptions and come up with a workable definition.

Jess Long, School Administrators of Montana, said his group supports the bill.

Terry Brown, Student Transportation Specialist, Office of Public Instruction, urged the committee to pass the bill. He said it cleans up a lot of problems for trustees across the state and clarifies the statutes considerably.

There being no further proposers and no opponents, the hearing was closed.

EXECUTIVE SESSION

ACTION ON HOUSE BILL 794: Senator Blaylock moved House Bill 794 BE CONCURRED IN. The motion carried unanimously.

ACTION ON HOUSE BILL 519: Senator Berg moved House Bill 519 BE CONCURRED IN. The motion carried unanimously.

ACTION ON HOUSE BILL 461: Senator Haffey moved to amend the bill as per the attached committee report (exhibit #5). The motion carried unanimously.

Senator Berg moved House Bill 461 BE CONCURRED IN AS AMENDED. The motion carried unanimously.

ACTION ON HOUSE BILL 192: Senator Blaylock moved House Bill 192 BE NOT CONCURRED IN. The motion carried on a roll call vote (exhibit #6).

ACTION ON HOUSE BILL 196: Senator Mazurek moved House Bill 196 Be Concurred In. Senator Elliott moved House Bill 196 Be Not Concurred In as a substitute motion.

Senator Haffey noted that because the rules were changed to guidelines, the fiscal note has been eliminated.

ROLL CALL

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 3/11/83

NAME	PRESENT	ABSENT	EXCUSED
<u>Senator Bob Brown, Chairman</u>	X		
<u>Senator Ed Smith, V. Chairman</u>	X		
<u>Senator Roger Elliott</u>	X		
<u>Senator Delwyn Gage</u>	X		
<u>Senator George McCallum</u>	X		
<u>Senator Elmer Severson</u>	X		
<u>Senator Harry Berg</u>	X		
<u>Senator Chet Blaylock</u>	X		
<u>Senator Jack Haffey</u>	X		
<u>Senator Joseph Mazurek *</u>	X		

DATE

March 16, 1983

COMMITTEE ON

Education & Cultural Resources

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Karen Zyllman	House aide - Connelly	HB 879		
Lynne Scott	Women's Policy Group	HB 879		
Jack Copps	Helena School Dist #1	HB 879		X
JOCK ANDERSON	MT. High School Assoc.	HB 879		X
Chip Erickson	MSBA	HB 794 HB 879	X	X
Alie Tully	MSBA / Hellgate Elementary	HB 794 HB 879	X	X
Jim Long	SAM	HB 879		X
Holly Kasey	Self			
Betty Tech	observer			
Jamie Pursley	observer			
Jim Foster	Plains, MT	HB 879		X
Gray Johnson	OPI	HB 444 HB 461	X	
Don A. Dinwiddie	Thompson Falls	HB 879		X
Alan Freund	Mt. High School Assoc.	HB 879		X
New Trustad	M.A.E.S.P. Elem Sch. Principals	HB 879		
DAVID SEXTON	MEA	HB 879	X	
Bob ANDERSON	SOMERS School - SOMERS, MT	HB 879		X
Dale Moore	Manhattan Sch Dist			
Dan Skelton	Manhattan Sch Dist #3			
Kore Zies	Manhattan Sch Dist #3			
JERRY VANORPAN	Belgrade Schools			
HARRY D. ERICKSON	Belgrade Schools			
Jim Koke	East Helena Schools	HB 879		X
Ray Haugen	Evergreen #50 Kaleispell	HB 879		X
Tom Ross	Rep. Dist 50 -	HB 461	✓	
Bill Hand	Rep. Dist. 82	HB 794	✓	

(Please leave prepared statement with Secretary)

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

March 18, 1983
9:00 a.m.

The meeting of the Senate Education and Cultural Resources Committee was called to order by Chairman Bob Brown on March 18, 1983, at 9:00 a.m. in Room 402, State Capitol.

ROLL CALL: All committee members were present.

The committee met in Executive Session.

ACTION ON HOUSE BILL 794: Senator Blaylock moved to reconsider action on House Bill 794. The motion carried unanimously.

Senator Blaylock moved to amend the bill by adding an immediate effective date. The motion carried unanimously.

Senator Blaylock moved House Bill 794 BE CONCURRED IN AS AMENDED. The motion carried unanimously.

ACTION ON HOUSE BILL 879: Senator Berg moved the amendments 1-3 and 1 and 2 on page 1 of the proposed amendments to House Bill 879 (exhibit #1). The motion carried unanimously.

Rick Bartos, Office of Public Instruction, asked the committee to remove "eliminate" and insert "prohibit" throughout the bill as "eliminate" becomes a legislative presumption that discrimination exists which could and would be used in court cases. He noted you can prohibit, but you can't guarantee or legislate elimination.

Senator Berg moved to strike "eliminate" and insert "prohibit" throughout the bill. The motion carried unanimously.

Senator McCallum moved the rest of the amendments as per the attached proposed amendments (exhibit #2).

Senator Berg made a substitute motion to amend page 2, lines 7, 8, 9 by striking "Violations of rights have had a deleterious effect on the individual involved and on society". The motion carried with Senator Severson voting no.

ROLL CALL

EDUCATION AND CULTURAL RESOURCES COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 3/18
9:00am

NAME	PRESENT	ABSENT	EXCUSED
<u>Senator Bob Brown, Chairman</u>	X		
<u>Senator Ed Smith, V. Chairman</u>	X		
<u>Senator Roger Elliott</u>	X		
<u>Senator Delwyn Gage</u>	X		
<u>Senator George McCallum</u>	X		
<u>Senator Elmer Severson</u>	X		
<u>Senator Harry Berg</u>	X		
<u>Senator Chet Blaylock</u>	X		
<u>Senator Jack Haffey</u>	X		
<u>Senator Joseph Mazurek</u>	X		

STANDING COMMITTEE REPORT

March 17, 1983

MR. PRESIDENT:

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE Bill No. 794

Daily

Respectfully report as follows: That HOUSE Bill No. 794

third reading copy, be amended as follows:

1. Title, line 9.

Following: "MCA"

Insert: "; PROVIDING AND IMMEDIATE EFFECTIVE DATE"

2. Page 4.

Following: line 5

Insert: "NEW SECTION. Section 3. Effective date. This act is effective on passage and approval."

And, as so amended, BE CONCURRED IN

~~XXXXXX~~
DO PASS